

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:	)	Case No. 15-14512
	)	
Patrick D. Maloy,	)	Chapter 7 Case
Rebecca L. Maloy,	)	
	)	Judge Jessica Price Smith
Debtor(s).	)	

**TRUSTEE'S APPLICATION TO EMPLOY AUCTIONEER**

Now comes Lauren A. Helbling, Chapter 7 Trustee, and hereby moves this Honorable Court for an Order authorizing her to employ Indiana Auto Auction, Inc. as an auctioneer for the purpose of offering for sale at public or private sale a motor vehicle belonging to this estate and in support of this application states as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on August 7, 2015. Your movant is the duly appointed, qualified and acting Trustee of the estate of the Debtor.

2. At the time of the commencement of this bankruptcy case, the Debtor(s) was the owner of the following unscheduled vehicles:

1994 Ford medium heavy truck;

1996 Ford truck;

1999 Chevrolet Express van;

2004 Peugeot trailer;

2005 Peugeot trailer; and

2008 Capri trailer

and all being subject to zero liens and zero exemptions. Said vehicles are the property of the within estate pursuant to §541 of the Bankruptcy Code and is subject to the sale by the Trustee pursuant to the provisions of §363(b) of the Bankruptcy Code.

3. Your Trustee wishes to employ Indiana Auto Auction, Inc. as an auctioneer for the purpose of offering said vehicles for sale at public auction.

4. To the best of your Trustee's knowledge, Indiana Auto Auction, Inc. does not hold or represent any interest adverse to the estate, and is a disinterested person within the meaning of 11 U.S.C. §101(14).

5. The fees of Indiana Auto Auction, Inc. as auctioneer shall be \$150.00 to transport each vehicle and \$115.00 for the sale fee for each vehicle in addition to any expenses necessary for repairs to make the vehicles saleable subject to the Trustee's approval, which your movant proposes to pay from the sale proceeds without further application to or approval by this Court.

WHEREFORE, Lauren A. Helbling, Chapter 7 Trustee, prays this Honorable Court for an Order authorizing her to employ Indiana Auto Auction, Inc. as an auctioneer for the purpose of offering for sale at public auction the vehicles of the estate described herein, upon the terms and conditions set forth herein, and for such other and further relief as the Court may deem just.

/s/Lauren A. Helbling (0038934)  
Lauren A. Helbling Co. LPA  
1370 Ontario St., #450  
Cleveland, OH 44113  
Tel 216/781-1164 Fax 216/575-1405  
lauren@helblinglpa.com

#### **NOTICE**

**Pursuant to Local Bankruptcy Rule 9013-1, any objection to this application must be filed by JANUARY 18, 2016. If no response or objection is timely filed, the Court is authorized to grant the relief requested without further notice.**

### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing Application was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Thomas John Connick tconnick@connicklawllc.com
- Lindsey I. Hall bankruptcy@weinerlaw.com
- Lauren A Helbling lauren@helblinglpa.com,  
rrosalin1969@gmail.com;lhelbling@ecf.epiqsystems.com
- Timothy M. Sullivan tim@tmslaw.net,  
elaine@tmslaw.net;martin@tmslaw.net;Jillian@tmslaw.net
- United States Trustee (Registered address)@usdoj.gov
- Keith D. Weiner bankruptcy@weinerlaw.com
- Jeffrey H. Weir jeffreyweirlaw@gmail.com
- Amy Good ust08 amy.l.good@usdoj.gov

And by regular U.S. Mail, postage pre-paid, to all parties in interest on the attached service list this 4<sup>th</sup> day of January, 2016.

/s/Lauren A. Helbling (0038934)

Indiana Auto Auction, Inc.  
Attn: Ken Long  
4425 West Washington Center Rd.  
Ft. Wayne, IN 46818

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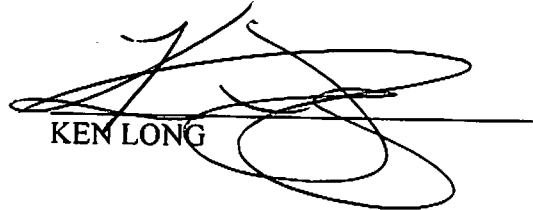
**AFFIDAVIT OF AUCTIONEER**  
**Rule 5002, Federal Rules of Bankruptcy Procedure**

STATE OF INDIANA	)	
	)	SS.
COUNTY OF ALLEN	)	

Ken Long, being first duly sworn, deposes and says that he is the fleet/lease/repossession manager with Indiana Auto Auction, Inc. and that, to the best of his knowledge, neither he nor any person with whom he is associated in such firm is a relative by blood or marriage of any Bankruptcy Judge of the Northern District of Ohio or of the United States Trustee for the Region including said District. Affiant further says that neither he nor any person with whom he is associated in such firm is now, nor has ever been, so connected with any such Judge as to render the appointment of Indiana Auto Auction, Inc. or the Court's approval of its employment as Auctioneer in the captioned proceedings improper.


Affiant further states that neither he nor any member of Indiana Auto Auction, Inc. has any connection with the debtor(s), any creditors, the United States Trustee, or any person employed in the Office of the United States Trustee, of any party in interest, or with their

respective attorneys or accountants, and that it is a "disinterested person" as that term is defined in §101(14) of the Bankruptcy Code.

  
KEN LONG

**BE IT REMEMBERED** that before me, a Notary Public in and for said County and State, personally appeared the above-named Ken Long, and acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed my official seal at Fort Wayne, Indiana this 18 day of DECEMBER, 2015.

  
Notary Public

KAREN ROSS  
Notary Public, State of Indiana  
County of Allen  
My Commission Expires 01/14/2016